

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 26**

**CROWNE PLAZA, INC. D/B/A  
INTER-CONTINENTAL SAN JUAN  
RESORT AND CASINO <sup>1</sup>**

Employer

and

**Case 26-RC-8238  
(formerly 24-RC-8157) <sup>2</sup>**

**UNION DE TRONQUISTAS DE P. R.  
LOCAL 901, IBT-AFL-CIO <sup>3</sup>**

Petitioner

**DECISION AND DIRECTION OF ELECTION**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned. Upon the entire record in this proceeding, the undersigned finds: <sup>4</sup>

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. The parties stipulated and I find that the Employer is a Delaware corporation, which is engaged in the operation of a hotel and casino located in Isla Verde, Carolina, Puerto Rico. During the past 12 months, a representative period, the Employer has received gross revenues in excess of \$500,000 and purchased and received goods valued in excess of \$50,000 directly from suppliers located outside the Commonwealth

of Puerto Rico. Accordingly, I find that the Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.

3. The parties stipulated and I find that the Petitioner is a labor organization within the meaning of Section 2(5) of the Act

4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c) (1) and Section 2(6) and (7) of the Act.

5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act: <sup>5</sup>

**All croupiers (dealers) employed by the Employer at its Isla Verde, Carolina, Puerto Rico facility, excluding office clerical employees, all other casino employees, hotel employees, guards and supervisors as defined in the Act.**

#### **DIRECTION OF ELECTION**

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the Notice of Election to issue subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who are employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained the status as such during the eligibility period and their replacements. Those in the military services of the United States Government may vote if they appear in person at the polls. Ineligible to vote are

employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by the Union de Tronquistas de P. R. Local 901, IBT AFL-CIO.<sup>5</sup>

### **LIST OF VOTERS**

To ensure that all eligible voters have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses that may be used to communicate with them. **Excelsior Underwear**, 156 NLRB 1236 (1966); **NLRB v. Wyman-Gordon Co.**, 394 U. S. 759 (1969). Accordingly, it is directed that an eligibility list containing the **full** names and addresses of all the eligible voters must be filed by the Employer with the Regional Director within 7 days of the date of this Decision. The Regional Director shall make the list available to all parties to the election. No extension of time to file the list shall be granted by the Regional Director except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed. **North Macon Health Care Facility**, 315 NLRB 359 (1994). In order to be timely filed, such list must be received in the Memphis Regional Office (Region 26), 1407 Union Avenue, Suite 800, Memphis, TN 38104, on or before **March 16, 2001**.

### **RIGHT TO REQUEST REVIEW**

Under the provision of Section 102.67 of the Board's Rules and Regulations, a Request for Review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570-0001. This request must be received by the Board in Washington by **March 23, 2001**.

**DATED**, at Memphis, Tennessee, this 9<sup>th</sup> day of March, 2001

/S/

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Ronald K. Hooks, Director, Region 26  
National Labor Relations Board  
1407 Union Avenue, Suite 800  
Memphis, TN 38104-3627

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- 1/ The Employer's name appears as amended at the hearing.
- 2/ The General Counsel issued an Order Transferring Case from Region 24 to Region 26. Pursuant to said Order, to the extent that further proceedings are appropriate to effectuate this Decision, this case will automatically transfer back to Region 24 and will continue as Case 24-RC-8157, except that Region 26 will retain jurisdiction only with respect to issues relating to the substance of this Decision.
- 3/ The Petitioner's name appears as amended at the hearing.
- 4/ The Employer and the Petitioner filed timely briefs, which have been duly considered.
- 5/ The Petitioner seeks to represent all croupiers (dealers) employed by the Employer at its Isla Verde, Carolina, Puerto Rico facility. The Employer employs 39 croupiers. The Employer contends this unit is not appropriate; rather, the unit should include all croupiers, slot attendants, waitresses, change persons, VIP hosts, cage cashiers and pit clerk, which totals 70 employees.

A petitioner has filed two prior petitions at the predecessor casino seeking a bargaining unit of croupiers. In Cases 24-RC-7254 and 24-RC-7584, Decisions issued on June 15, 1989 and November 10, 1993, respectively, finding croupiers constituted a separate appropriate unit.

The Employer operates a hotel and casino in Isla Verde, Carolina, Puerto Rico. The casino is open from 10 a.m. to 4 a.m., seven days a week although only the slot machines open at 10 a.m. The casino has slot machines and table games -- blackjack, "Caribbean Stud", "Let It Ride", craps and roulette. The hotel has approximately 400 rooms.

The parties stipulated that the following individuals, with the following titles, are supervisors within the meaning of Section 2(11) of the Act:

Peter Sahora	-	General Manager
Eric Rodriguez	-	Casino Director
Jose Mendez	-	Shift Manager
Jose Pagan	-	Shift Manager
Michael Rodriguez	-	Shift Manager
Aly Salinas	-	Shift Manager/Supervisor
Luisa Palli	-	Human Resources Director
Edwin Muniz	-	Slot Manager
Stanley Tapia	-	Casino Cage Manager
Cesar Collazo	-	Director of Player Development
Felix Bermudez	-	Floor Supervisor
Jose Cartagena	-	Floor Supervisor
Antonio Correa	-	Floor Supervisor
Victor Curet	-	Floor Supervisor
Jose Feliciano	-	Floor Supervisor
Sonia Feliciano	-	Floor Supervisor
Zenildo Laureano	-	Floor Supervisor
Diana Laureano	-	Floor Supervisor
Jose Lopez	-	Floor Supervisor
Tomas Maldonado	-	Floor Supervisor
Edgardo Massanet	-	Floor Supervisor
Hector Ojeda	-	Floor Supervisor

Edgardo Quiara	-	Floor Supervisor
Lilliam Fonrodona	-	Casino Cage Supervisor
Joel Jaca	-	Casino Cage Supervisor
Liza Nazario	-	Casino Cage Supervisor

The Employer employs the following job classifications at the casino: croupiers, slot attendants, VIP hosts, waitresses, cage cashiers, change persons and pit clerk. The employees have an employee lounge, which has lockers, tables, sofa, chairs, water cooler, refrigerator and television. In 1997, the lounge and lockers were remodeled in order for all casino employees to have access to them. Prior to that time, only the croupiers were allowed to use the lounge and the cage cashiers and croupiers were the only ones issued lockers. All employees have access to the cafeteria for one meal a day. All employees wear a uniform, which is slightly different for each job classification, a nametag and license. All employees receive the same fringe benefits, use the same entrance and attend meetings together. There are four shifts: 10 a.m. to 5 p.m., noon to 8 p.m., 5 p.m. to 1:30 a.m. and 8 p.m. to 4 a.m.

The Gaming Division, a government agency, licenses all of the casino employees, except waitresses. The requirements for a license are a high school diploma, health certificate, good conduct certificate and a letter from an employer offering employment contingent on receipt of a license. These requirements are set forth in the Games of Chance law, which was effective June 26, 1997. Before this law, the government owned all slot machines and the slot attendants were employees of the Gaming Division. Moreover, the croupiers were required to pass a course administered by the Gaming Division prior to being licensed, regardless of prior experience. Under the new law, the Gaming Division does not train croupiers; rather the employer offers a

course, which prospective croupiers must pass before applying for a license with the Gaming Division. The Gaming Division has always required that casino employees involved in the handling of bets and the money resulting therefrom be licensed. However, only the croupiers have to pass a gaming course to be licensed.

The Employer employs approximately 39 croupiers. They are paid between \$5.25 and \$8.50 an hour plus tips. The croupiers pool their tips and then divide them evenly from the pool. The duties of the croupiers are to conduct the assigned table games -- craps, roulette, blackjack, "Caribbean Stud" and "Let It Ride". The croupiers must be knowledgeable on at least two table games but usually remain with the game where they are the most competent and proficient. The croupiers' work time is different than the other employees. Specifically, the croupiers work for one hour and then rest for 20 minutes. This procedure began as a custom in Puerto Rico and is now law. The croupiers work at the gaming tables. The croupiers' immediate supervisors are the floor supervisors, of which there are approximately 15. The floor supervisors also supervise the pit clerk, waitresses and VIP hosts.

There is one pit clerk, whose job is to provide vouchers for up to \$500 worth of credit to eligible casino guests. The pit clerk regularly interacts with the croupiers in the pit area, by the gaming tables. The pit clerk starts at \$5.25 an hour and currently earns \$6.20 plus tips.

There are seven slot attendants. They earn between \$6.50 and \$7.90 an hour plus tips, which are pooled among the slot attendants. Their job duties are to prepare and certify slot machines, perform minor repairs on slot machines and prepare slot machine reports. The slot attendants work throughout the casino servicing the slot

machines. The slot attendants report to the slot manager, who is only present for 8 of the 24 hours each day or in his absence to the shift manager.

There are 10 waitresses employed by the Employer. They earn between \$3.50 and \$5.20 an hour plus tips. The waitresses provide complementary food and beverages to the casino guests. They work throughout the casino, at both the gaming tables and slot machines. The waitresses report to the floor supervisors.

The casino employs two change persons, whose duties are to exchange cash for coins to the casino guests and rate the members of the "slot club on their action". The change persons earn between \$5.25 and \$5.60 an hour plus tips. The slot manager supervises them.

There are 7 cage cashiers, whose primary duties are the redemption of chips and markers, coin selling and check cashing. The cage cashiers work at a set location and are supervised by the cage supervisor. They earn between \$6.30 and \$7.58 an hour plus tips.

The Employer employs 4 VIP hosts, whose primary duties are to assist in the issuance of "complimentaries" to casino guests and provide any other necessary customer service. The VIP hosts earn between \$6.50 and \$7.00 an hour plus tips. They report to the Director of Player Development.

Since the amendment to the Gaming Law in 1997, the following 8 employees have transferred from one job to another:

<b>Name</b>	<b>Former Job</b>	<b>New Job</b>
Mayline Perez	dealer	cage cashier
Jamie Vega	dealer	cage cashier
Frankie Salinas	dealer	cage cashier



Kim Kravitz	dealer	VIP host
Elizabeth Gonzales	VIP host	waitress
Victor Ramos	houseman	VIP host
Oscar Gonzales	cage cashier	slot attendant
Joseph Camarota	cage cashier	slot attendant

### ANALYSIS

In determining an appropriate unit, I apply the community of interest analysis, wherein a number of factors are considered including the similarity of duties and skills, wages, benefits and working conditions, extent of interaction and interchange, organizational structure, functional integration of the business, history of collective bargaining and the scope of the petitioned-for unit. **Kalamazoo Paper Box Corp.**, 136 NLRB 134 (1962).

The duties and skills of the croupiers are unique at the casino. Specifically, the dealers must attend and pass a course on the games to be performed; thus, the croupiers develop a particular skill. None of the other jobs require any such course or develop any particular skill. As a croupier, one is in charge of the particular game and, as such, takes and pays the bets, deals the cards, or spins the roulette wheel. The slot attendants, change persons, waitresses, VIP hosts, cage cashiers are not in charge of a particular game and are merely serving the casino's patrons in one manner or another. The pit clerk serves the guests by providing vouchers to them.

The croupiers' working conditions are different than the other employees of the casino because they take a required 20-minute break after every hour of work and no other employees have such an arrangement. Furthermore, the croupiers receive the

highest maximum hourly wage rate -- \$8.25 although their starting wage rate of \$5.25 an hour is the same as most other employees.

The record evidence establishes there is limited interchange between the croupiers and the other employees. There have not been any temporary transfers between croupiers and other job classifications and only a limited number of permanent transfers. Temporary transfers are the more significant consideration of the two.

**Bally's Park Place, Inc.**, 255 NLRB 63, 64 (1981). The record evidence does reflect employees' interaction with each other on a regular basis because they are working in the same vicinity and serving the same guests.

The floor supervisors, who supervise the croupiers also supervise the waitresses. The cage cashiers, slot attendants, pit clerk and VIP hosts are separately supervised.

As the above facts demonstrate, the croupiers have a separate and distinct community of interest than the other casino employees. Specifically, the croupiers have a particular skill – dealing a card game, controlling the rolling of the dice or turning the roulette wheel. They must pass a course to demonstrate that skill; earn the highest wages; report to different supervisors than all other employees except waitresses; do not temporarily transfer between jobs; and have different working conditions – the unique break schedule. See **Bally's Park Place, Inc.**, *supra*.

Furthermore, the Employer has failed to show significant changed circumstances in the casino to warrant a finding, contrary to the prior two Decision and Directions of Election in 1989 and 1993, that the requested croupier unit is not an appropriate unit. Although the slot attendants are no longer government employees, they still are performing different duties, with limited skills, in comparison to the croupiers. Thus, this

is not a significant change in determining whether the unit petitioned for is an appropriate unit. Therefore, I find that the requested unit of croupiers is an appropriate unit.

The size of the unit found appropriate is approximately 39 employees.

#### CLASSIFICATION INDEX

420-2930

420-2966